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*Attorneys for Defendant
Gary Alan Tanaka*

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

- against -

ALBERTO WILLIAM VILAR, a/k/a "Albert
Vilar," and GARY ALAN TANAKA

Defendants.

S1 05 Cr. 621 (KMK)

ECF CASE

DECLARATION OF ALAN PETERSON

I, Alan Peterson, declare as follows:

1. I am and have been an employee of Amerindo Investment Advisors Inc. ("Amerindo") since on or before October 1, 2000, serving as Chief Technology Officer. I submit this declaration at the request of counsel for Gary Tanaka to provide information that they have requested of me. Although I believe I understand why they have requested the information, I, of course, express no opinion with regard to any motion for which this declaration is submitted.

2. On or about May 26, 2005, agents of the United States Postal Service executed a search warrant and seized computers and other electronic data storage equipment from Amerindo's offices at 399 Park Avenue, 22nd Floor, New York, New York. I was present there that day.

3. Although I do not have a precise recollection of the dates the equipment was returned, I do know that I picked it up from the government and primarily used the services of Smith Limousine to transport the equipment back to our office at 399 Park Ave. Having reviewed the invoices from Smith (or based on other information, identified below), I believe that:

(a) On June 6, 2005, the first batch of equipment, consisting primarily of workstations, was returned;

(b) On June 7, 2005, the second batch of equipment, which I believe this included any remaining workstations and some server equipment was returned;

(c) On June 9, 2005, I believe I used a taxi to retrieve the email server. I base this on my recollection and on the dates that email was restored; and

(d) On June 14, 2005, the final batch of equipment, a single server, was returned. I believe this was our main fileserver.

I declare under penalty of perjury that the foregoing is true and correct and that this affidavit is executed the 23rd day of September, 2005, at New York, New York.

A handwritten signature in black ink, appearing to read "Alan Peterson", is written over a horizontal line.

Alan Peterson